

delivery, \$10 for a circumcision. I tell you, you didn't make any money back then if you were in medicine. Not here. Many of a time I would leave at 7 in the morning and make rounds and I'd come home for dinner, maybe, but I'd go out again and make house calls. I would make 10 or 12 house calls a day.

A year after I started, we moved from the house on Falls Street.

ANN: But then Dr. Pennington, he was always finding stuff for us. He knew this house on Ninth Street was going on the market. He said don't tell a soul.

DR. SMITH: So we moved here. Dr. Pennington decided for us. For one thing, look how close it is to the hospital. I could go over there and be in the delivery room in three or four minutes.

Marymount was run by the Sisters. It was great to work with them, I never could remember all their names, I was bad about that, I'd call them all "Sister." We had eight or 10 of them up here. They were great to work with, they were very good nurses.

CHANGES IN MEDICINE

When I first came here, polio was dying down because the first vaccine had come out. But measles was the big thing. We didn't have any measles vaccinations, and it wouldn't be unusual to go out to a house and see a kid with 104, 105 temperature with measles and two or three other siblings with measles. The only thing you could do is advise them how to bathe them, how to cool them off.

Mumps, had a lot of mumps. And, of course, pneumonias and a lot of hepatitis. One year, just in my practice, I had two or three kids from the high schools where they still had outdoor toilets. They would come in with jaundice and they had hepatitis, and of course we didn't have any vaccines.

A lot of changes have occurred. Technology is one of the biggest changes and it's good and bad. It's good because we can now do a better job with some things. In the 1960s, we didn't have any Echocardiograms. CT or MRI hadn't been heard of. The part that I don't like that's changed is doctors no longer sit and do history and physicals and talk to people. When I was externing during medical school, each history and physical, you'd spend 30 to 40 minutes. None of this five-minute stuff.

I quit OB in '85 because we were getting some OB doctors in and also malpractice had gotten so bad. When we got more lawyers, that's when things changed, that's it, that's what changed it. I want to say around early '70s.

Medicine changed so. The insurance companies would fight you constantly in your office and you had to fight constantly to get people in the hospital. You'd be arguing with some nurse up in Chicago or somewhere. That's when my blood pressure started going up, honestly.

I closed my office in 1998, but I've worked some since then, I'd work some now if I didn't have back trouble. I loved being a doctor, listen, I still do. I help with the free clinic now at the Community Christian Church. I liked that you could see people from the time they were born until they died. And you followed them all the way through. I loved all of it, really, just taking care of the families, getting to know the people."

CAMPUS SEXUAL VIOLENCE ELIMINATION ACT

Mr. CASEY. Mr. President, I rise today to speak about legislation I have introduced, the Campus Sexual Violence Elimination Act, or Campus

Save Act, and to urge my colleagues to support this bill.

I want to start by sharing some deeply disturbing statistics with you:

Between 20 and 25 percent of all female undergraduates in America are victims of sexual assault or attempted sexual assault each year.

Most cases of sexual assault occur between acquaintances—between 85 and 90 percent of reported sexual assaults on college women are perpetrated by someone they know, and nearly half of such sexual assaults occur on a date.

Young adults age 18 and 19 experience the highest rates of stalking among any age group.

As the father of four daughters, one of whom who just graduated from college and another who is in college now, these statistics are terrifying. But I was even more distressed to learn that many of these victims never come forward. Those who do often do not get the support and the assistance they need to heal and to be able to continue their education safely and successfully.

The Campus Save Act will address many of these issues by setting out a clear framework to promote transparency and accountability. The legislation consolidates existing policies under both the Jeanne Clery Act and title IX to ensure that institutions of higher education have comprehensive procedures in place to address domestic violence, dating violence, sexual assault and stalking.

Institutions of higher education are already required to report certain crime statistics as a result of the Clery Act, a law championed by our former colleague, Senator Specter, after Jeanne Clery was raped and murdered in her college dorm room in 1989.

But only one-third of U.S. colleges correctly report their crime statistics, leading to misclassification and underrepresentation of attempted and completed instances of sexual assault. They are not currently required to break down their data on different types of sex offenses, leading to confusion and unclear data about reports of domestic violence, dating violence, and stalking.

The Campus Save Act will also address the need for education and awareness in the entire campus community. Currently, less than half of all colleges and universities offer any sexual assault prevention training; the Campus Save Act will require that these institutions provide prevention and awareness programs for all incoming students and new employees.

This education is essential. Many students attending college are away from home for the first time and are still in their teenage years and learning about adult relationships. We cannot assume that they know what dating violence is; we cannot assume that they know what constitutes consent in a sexual relationship.

A victim also may not know what to do when something bad happens: less than 5 percent of rapes or attempted

rapes are reported, and fewer than half of colleges and universities spell out policies for filing criminal charges and campus reports. However, when students know how to report victimization and how their school will respond, students are more likely to report instances of sexual assault or attempted sexual assault.

Dickinson College in Carlisle, PA, recently saw students hold a sit-in for 3½ days, displaying their frustration over the college's weak sexual assault policy. One student remarked, "We don't have a consolidated document that runs you through what you should do and also allows you to understand that there are federal laws that protect you."

This is exactly what the Campus Save Act would require. It sets standards for institutions so that everyone in the community understands their rights and responsibilities. Fortunately, the administration at Dickinson College later agreed to strengthen its policies relating to sexual assault.

Under the Campus Save Act, students will know that if they report being a victim of domestic violence, dating violence, sexual assault, or stalking, they will receive an explanation of their rights. They need to know they have a right to report these offenses to law enforcement authorities. They need to know that the college or university has an obligation to help them seek a protective order, if they want such an order. They need to know that they will receive contact information for the resources available to them, such as counseling and legal assistance. Finally, they need to know about safety planning such as changing their living arrangements, class schedule, work schedule, and travel options so that they feel safe in their environment.

The bill will also ensure that these incidents are properly reported by making institutions include in their annual security reports statistics on domestic violence, dating violence, sexual assault, and stalking that were reported to campus police or local police agencies.

Many colleges and universities are doing this right: they have procedures in place to deal with domestic partner violence, dating violence, sexual assault, and stalking; they provide support to victims, and they have prevention programs to educate the community about these terrible acts.

In another case in Pennsylvania this year, a student at Kutztown University told authorities that she had been raped on campus by a male student. After this young woman reported the assault, a second female student came out and said that she had been raped a few weeks earlier. These two instances of young women standing up and reporting their assaults pulled others out of the shadows. Another two female students went to authorities with reports of sexual assault. All four women knew their attackers. In response to

the rape and sexual assault reports, the university put a notice on their Web site and sent e-mails to students, faculty, and staff about the occurrences.

Kutztown University and Dickinson College have taken concrete steps to improve their responses, but much remains to be done. Congress cannot legislate a campus culture, but we can pass legislation to help institute the processes and procedures that will educate students in order to prevent intimate partner violence and provide support for victims who do come forward, which will encourage other victims to speak up and seek help.

Colleges and universities must do everything possible to protect students from violence and provide information about students' rights and the resources available to help them.

I urge my colleagues to join me in supporting the Campus Sexual Violence Elimination Act so that our children can go to college without fear and those who violate campus policies relating to intimate partner violence will be held accountable for their actions.

CLEAN WATER ACT JURISDICTIONAL EXPANSION

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD an article written by Bobbie Frank, executive director of the Wyoming Association of Conservation Districts and published on July 16, 2011, in the Wyoming Livestock Roundup. The article's title is "Muddy waters: EPA, Army Corps Seek to Define More Jurisdiction as Federal."

I have concluded, just as this article has, that the Clean Water Act, CWA, jurisdictional guidance being proposed by the Environmental Protection Agency, EPA, allows the U.S. Army Corps of Engineers and EPA to regulate waters now considered entirely under State jurisdiction. This unprecedented exercise of power will allow EPA to trump States rights, and vitiate the authority of State and local governments to make local land and water use decisions. This is particularly troubling when we have seen no evidence that the States are misusing or otherwise failing to meet their responsibilities.

Enormous resources will be needed to expand the CWA Federal regulatory program. Not only will there be a host of landowners and project proponents who will now be subject to the CWA's mandates and costs of obtaining permits, but an increase in the number of permits needed will lead to longer permitting delays. Increased delays in securing permits will impede a host of economic activities in Wyoming and across the United States. Commercial and residential real estate development, agriculture, ranching, electric transmission, transportation, energy development, and mining will all be affected, and thousands of jobs will be lost.

In May of this year, 19 Senators joined me in a letter to EPA expressing

our strong opposition to this guidance. I will continue to fight to protect our States from this Washington power grab.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MUDDY WATERS: EPA, ARMY CORPS SEEK TO DEFINE MORE JURISDICTION AS FEDERAL
(By Bobbie Frank, Executive Director, Wyoming Association of Conservation Districts)

The conservation districts in this state are definitely committed to watershed health and water quality work, and their commitment is evident through their actions: conservation district employees who are several months pregnant wade streams in the winter to collect water samples, and retired conservation district supervisors volunteer their time to help with water quality monitoring and implementing water quality management practices.

Many landowners, community leaders and homeowners have and continue to volunteer hundreds of hours working on watershed plans, and then they work hard to implement those plans. There is no shortage of dedicated and concerned citizens working to maintain and improve the water quality of this state, and every two years the Wyoming Association of Conservation Districts (WACD) publishes its "Watersheds Progress Report" to show all of the incredible efforts at the local level across Wyoming. The 2009 edition is available on our website.

Highlighting the dedication to water quality is important to recognize, in the context of this discussion, because, inevitably, when one starts debating the issue of regulatory jurisdiction—federal versus state—if one leans toward less federal intervention and regulation, then it is easy for others to try to paint one as anti-clean water. As one district supervisor put it, "The only conservation that matters is that which gets put on the ground."

In April 2011 the Environmental Protection Agency (EPA) published draft guidance that would replace previous agency guidance issued in 2003 and 2008, detailing modifications to which waters EPA and the Army Corps of Engineers (Corps) would regulate under the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act). Who should have the authority over water quality issues, the federal government or the respective states, continues to be a hot topic of debate. Key Supreme Court decisions have refined the EPA's and the Corps' authority over the regulation of certain types of waters.

In the past several years there have also been attempts in Congress to advance legislation to redefine "waters of the United States." These bills would have resulted in a definition that would have included a number of waters that are currently not subject to federal regulation, or are in a "gray" area. These attempts did not move forward. As a result, that which cannot be done through the appropriate processes, i.e. legislation and/or rules, apparently will be done through the development of "guidance."

The two primary decisions, the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) and Rapanos v. United States (Rapanos), resulted in restricting federal authority over certain types of waters.

First, the SWANCC decision removed from federal regulation isolated wetlands by nullifying the "migratory bird rule." In a nut-

shell, the agencies, via regulation, exerted jurisdiction over these types of isolated waters by arguing that isolated wetlands will have waterfowl in them that would fly to another state and land in another isolated wetland, hence there was interstate commerce occurring on these waters to render them under federal jurisdiction.

The other suit, Rapanos, resulted in what is argued by the agencies to be a complicated and unmanageable approach to determining jurisdiction. Many lauded the decision as a win for reining in the heavy hand of the agencies. In Rapanos, the court addressed CWA protections for wetlands adjacent to non-navigable tributaries, and issued five opinions with no single opinion commanding a majority of the court. The plurality opinion, authored by Justice Scalia, stated that "waters of the United States" extended beyond traditional navigable waters to include "relatively permanent, standing or flowing bodies of water." There is a lot more detail to this opinion, but suffice it to say, the outcome was additional limitations placed on federal jurisdiction.

A comparison of the December 2008 memorandum issued by EPA and Corps guiding agency personnel on which waters would be jurisdictional and this new proposed guidance, provides for some significant changes in what waters would be regulated. The agencies specifically state in the draft guidance: "However, after careful review of these opinions, the agencies concluded that previous guidance did not make full use of the authority provided by the CWA to include waters within the scope of the Act, as interpreted by the Court."

The 2008 guidance established a "significant nexus" standard, whereby the agency would have to determine on a fact-specific basis whether certain types of waters, such as wetlands, tributaries or traditional navigable waters, fell under federal jurisdiction. This significant nexus standard would contemplate the flow functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters. The significant nexus also included consideration of hydrologic and ecologic factors.

This 2011 draft guidance takes the same type of approach, but expands on the significant nexus approach by establishing that waters that are in "close proximity" or "proximate other waters" to traditional navigable waters will also fall under jurisdiction. Basically, the guidance establishes a watershed approach to determining significance. In essence, based on our analysis, most waters in a watershed draining to a "traditional navigable water" or interstate water, would ultimately meet the "significant nexus" test and be subject to federal regulatory oversight.

There is a list of certain types of waters that would "generally" not fall under federal jurisdiction. Note the term "generally." There is a potential that some of the specifically exempt waters, such as reflecting pools, ornamental waters, gullies, etc., could also be jurisdictional.

Also of import is the application of the above as it pertains to the different provisions of the Clean Water Act. The agencies acknowledge in the guidance that "although SWANCC and Rapanos specifically involved section 404 of the CWA and discharges of dredged or fill material, the term 'waters of the United States' must be interpreted consistently for all CWA provisions that use the term. These provisions include the section 402 National Pollutant Discharge Elimination System (NPDES) permit program, the section 311 oil spill program, the water quality standards and total maximum daily load